

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED  OCT 21 2005  JOHN F. CORCORAN, CLERK BY: <i>[Signature]</i> DEPUTY CLERK
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JEROME D. BROWN,  
Petitioner,

Civil Action No. 7:05-cv-00386  
Crim. No. 7:03-cr-00071  
Crim. No. 7:03-cr-00101  
Crim. No. 7:03-cr-00122

v.

**FINAL ORDER**

UNITED STATES OF AMERICA,  
Respondent.

By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the motion to dismiss is hereby **DENIED**; but that petitioner's motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. §2255, shall be and hereby is **DISMISSED** as meritless, pursuant to Rule 4 of the Rules Governing §2255 Proceeding,<sup>4</sup> and this action is hereby stricken from the active docket of the court. Furthermore, the clerk is **DIRECTED** to accept a copy of the October 6, 2005, letter from the Bank of Botetourt in Fincastle, Virginia, as evidence of partial satisfaction of petitioner's restitution and to credit \$1,785.50 against the total amount of Brown's restitution debt to that institution.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the respondent.

ENTER: This 21st day of October, 2005.

*[Signature]*  
\_\_\_\_\_  
Senior United States District Judge

<sup>4</sup>Rule 4 authorizes the court to dismiss a § 2255 motion if it is clear from the face of the petition and the record that petitioner is not entitled to relief.